

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

***IN RE: ORAL PHENYLEPHRINE
MARKETING AND SALES PRACTICES
LITIGATION***

THIS DOCUMENT APPLIES TO:

***Newton's Pharmacy, Inc. v. Proctor &
Gamble Company, et al.***

CASE NO. 1:23-CV-09307-BMC

MDL No. 3089

Case No. 1:23-md-03089-BMC

PLAINTIFF NEWTON'S PHARMACY, INC.'S NOTICE OF APPEAL

Pursuant to Fed. R. App. P. 3(c)(1) and Fed. R. App. P. 4(a), Plaintiff Newton's Pharmacy, Inc., hereby notices its appeal to the United States Court of Appeals for the Second Circuit from the District (Eastern District of New York) Court's Orders dated November 12, 2024, dismissing with prejudice all claims in the complaints transferred into the master docket (Dkt. 252) and dated December 13, 2024 denying its Motion for Partial Relief from this Court's November 12, 2024, Order Entering Judgment Pursuant to Fed. R. Civ. P. 60(b) and for Remand of its Lanham Act Claim to the Southern District of Ohio (Dkt. 259).

DATE: January 10, 2025.

Respectfully submitted,

/s/ Alyson S. Beridon

Alyson S. Beridon, Trial Attorney (#87496)
Herzfeld, Suetholz, Gastel, Leniski & Wall, PLLC
600 Vine St., Suite 2720
Cincinnati, OH 45202
Ph: (513) 381-2224
Fax: (615) 994-8625
alyson@hsglawgroup.com

James A. Streett* (ABA #2007092)

Streett Law Firm, P.A.

107 West Main

Russellville, AR 72801

Ph: 479-968-2030

Fax: 479-968-6253

james@streettlaw.com

Attorneys for Plaintiff Newton's Pharmacy Inc.

**Pro Hac Vice Admitted*

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/ Alyson S. Beridon
Alyson S. Beridon